

Appl. No. : 10/692,243
Filed : October 22, 2003

REMARKS

Claims 8-11 are pending in this application and stand rejected on the basis of statutory and nonstatutory double patenting. First, Claim 8 was rejected under 35 U.S.C. § 101 as claiming the same invention as that of Claim 20 of U.S. Patent No. 5,916,365 ("the '365 patent"). In this regard, Applicants note that Claim 1 of the present application recites *removing* gases from the chamber for each of the exposing steps. In contrast, Claim 20 of the '365 patent recites *evacuating* the chamber of gases. The term "removing" is not identical to the term "evacuating" and these terms would not be construed in the same way. Thus, Applicants submit that Claim 8 does not claim the same invention as that of Claim 20 of the '365 patent and request withdrawal of this rejection.


In addition, the pending claims were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 20 of the '365 patent. A Terminal Disclaimer over the '365 patent is submitted herewith, thus obviating this rejection.

In view of the arguments submitted above and the filing of a Terminal Disclaimer, Applicants submit that the present application is in condition for allowance and respectfully request the same. If any issues remain, the Examiner is invited to contact Applicant's representative at the number provided below in order to resolve such issues promptly.

Respectfully submitted,

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Dated: September 26, 2005

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